GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Commercial Taxes Department – Sri M.Nookaraju, C.T.O, Kasibugga Circle, Srikakulam District – Trapped on 29.08.2009 - placed under suspension – Suspension revoked – A case was registered by ACB - Sanction accorded for prosecution – Acquitted by Hon'ble Special Judge for ACB cases- Cum-III Addl. District & Sessions judge, Visakhapatnam in C.C.No.2/2011– Criminal Appeal filed – pending - Subsequently Departmental Action was initiated by the CCT against the Charged Officer - Inquiry Authority appointed in respect of Departmental Action - Inquiry Report submitted – Imposed Major punishment of stoppage of one annual grade increment with cumulative effect – Regularization of suspension period as Not on Duty under FR 54 (B)(5) & (7) - Orders - Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.617 Dated:04.10.2021

Read the following:-

1. From the DG, ACB, Rd.No.213/RCT-CIU/2009, dated:05.09.2009.
2. From the CCT, Lr.No.V1/1084/2009, dated:10.09.2009.
3. Govt. Memo No.40676/Vig-I(1)/2009, dated:19.09.2009.
4. From the DG, ACB, Rd.No.213/RCT-CIU/2009, dated:31.05.2010.
5. G.O.Ms.No.1338, Revenue(Vig.I)Dept., dated:08.11.2010
6. Govt. Memo No.40676/Vig-I(1)/2009, dated:13.09.2010.
7. Proceedings of the CCT, Lr.No.V1/1084/2009, dated:25.09.2010.
8. Govt. Memo No.40676/Vig-I(1)/2009, dated:30.08.2011.
9. From the CCT, Lr.No.V1/1084/2009, dated:29.05.2012.
10. From the CCT, Lr.No.V1/1084/2009, dated:24.08.2012.
11. From the DG, ACB Letter Rc.No.213//RCT-CIU/2009-S11, Dt:01-09-2017.
12. Govt. Memo No.40676/Vig-II(3)/2009, dated:25.07.2017.
13. From the CCT, Lr.No.V1/25/2017, dated:26.08.2019.

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ORDER:

Whereas, it was brought to the notice of the Government vide reference 1st read above, that A trap was registered against Sri M.Nooka Raju, the then C.T.O, Kasibugga Circle, Srikakulam District (now retired) on 29.8.2009, when he demanded and accepted the bribe amount of Rs.80,000/- from the complainant for doing the official favour. As the detention period exceeding 48 hours, the Accused Officer Sri M.Nooka Raju, the then C.T.O, Kasibugga Circle, Srikakulam District was under suspension vide reference 2nd read above.

2. The Director General, Anti Corruption Bureau have furnished final report vide reference 4th read above and recommended to accord sanction to prosecute the A.O. Sri M.Nooka Raju, the then C.T.O, Kasibugga Circle, Srikakulam District, in court of law for corruption charges, besides initiation of departmental action for violation of conduct rules for not submitting APRs. Government after following due procedure have accepted the recommendations of the Director General, Anti Corruption Bureau and accorded sanction to prosecute A.O. Sri M.Nooka Raju, the then C.T.O, Kasibugga Circle, Srikakulam District vide 5th read above.

3. Government vide reference 5th read above, while enclosing the draft article of charges furnished by Director General, Anti Corruption Bureau have requested the Commissioner of Commercial Taxes to initiate departmental action under Rule 20 of Andhra Pradesh Civil Service (Classification, Control & Appeal) Rules, 1991.

4. And whereas, the Commissioner of Commercial Taxes & the disciplinary authority has initiated departmental action against A.O., Sri M.Nooka Raju, the then C.T.O, Kasibugga Circle, Srikakulam vide reference 7th read above.

(P.T.O)

5. Further, Government vide reference 8th read above have requested the Commissioner of Commercial Taxes to reinstate the individual into service without prejudice to the criminal/ disciplinary proceedings and post him to far off non focal post.

6. Whereas, the Commissioner of Commercial Taxes & the disciplinary authority after following due procedure and obtaining the advice of competent authorities under vigilance scheme has imposed the punishment of withholding of one annual grade increment with cumulative effect against the A.O. vide reference 10th read above.

7. And whereas, with regard to the criminal case on corruption charges, the Director General, Anti Corruption Bureau vide reference 11th read above has informed that the Spl. Judge for SPE & ACB Cases Visakhapatnam, on 14.06.2016 have passed judgment in CC No. 2/2011, filed against Sri Nooka Raju, CTO (Retd.) and acquitted from the charge and the Director General, Anti Corruption Bureau has requested the Government to accord permission to the Standing Counsel of the Bureau to file an appeal in the High Court of A.P., against the orders of Special Judge Court for trial of Anti Corruption Bureau Cases, Visakhapatnam. Government after examination of the matter have accorded permission to the Director General, Anti Corruption Bureau to file criminal appeal against the trail Court Judgement vide reference 12th read above and the same is pending.

8. In the reference 13th read above, the Commissioner of Commercial Taxes has forwarded the representation of Sri M.Nooka Raju, Commercial Tax Officer (Retired) wherein the A.O. has requested for regularization of his suspension period from 25-08-2009 to 08-09-2011, as he was acquitted by the Special Judge for ACB cases on 14-06-2016 in cc No.2/2011. Subsequently the A.O. has filed a W.P. 20165/2019 before the Hon'ble High Court.

9. Government after careful examination of the matter have decided to regularize the suspension period from 27.08.2008 to 08.09.2011 as Not On Duty in terms of FR-54(B) (5) and (7), in respect of Sri M.Nooka Raju, Commercial Tax Officer (Retired), as he was awarded a penalty of stoppage of one increment with cumulative effect and as the Criminal Appeal No. 1077/2018 filed by the DG, ACB in C.C.No.2/2011 against the AO and the case is pending for final hearing in the High Court of AP. Accordingly, hereby order to regularize the suspension period in respect of Sri M.Nookaraju, CTO, (Retired) from 27.08.2009 to 08.09.2011 as Not On Duty in terms of FR-54(B) (5) and (7), subject to out come of the Criminal Appeal.No.1077/2018 filed in the Hon'ble High Court of AP against the acquittal of Sri M.Nooka Raju, CTO, (Retd.) .

10. The Chief Commissioner of State Tax, Andhra Pradesh, Vijayawada shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri M. Nookaraju, former Commercial Tax Officer, Kasibugga Circle, Srikakulam District (Retd). (*Through the Commissioner of Commercial Taxes, Andhra Pradesh, Vijayawada*)
The Commissioner of Commercial Taxes, Andhra Pradesh, Eedupugallu, Vijayawada.
Copy to
The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Secretariat Building No.5, Velagapudi.
The Director General, Anti Corruption Bureau, Andhra Pradesh, Vijayawada.
Sf/Sc

//FORWARDED:: BY ORDER//

SECTION OFFICER